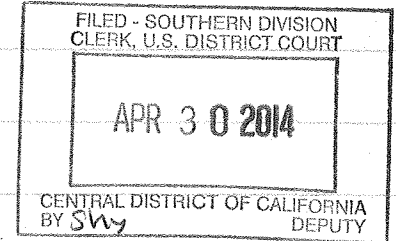


Anthony McCullough }
Petitioner,
V.
Montgomery
Respondent

CASE NO. EDCV 14-00721 JFW (AN)
ordered to show cause why
petition should not be dismissed
of habeas corpus by a person
in state custody as time-barred



1. Background

Before the court is a petition for writ of habeas corpus by a person in state custody pursuant to 28 U.S.C. § 2254 (Petition) brought by Anthony McCullough (Petitioner), a state prisoner proceeding pro se. Petition challenges Petitioner's current state custody following a jury trial in the California Superior Court of San Bernardino County (Case No. FSB048689). Petitioner was convicted of first degree murder, including a weapon enhancement and strike priors, and he was sentenced to seventy six years to life.

For the reasons set forth below, Petitioner is ordered to show cause why his Petition should not be dismissed with prejudice because it is time-barred.

Grounds for Petition should not be dismissed.

Reason for Petitioners petition failure in a timely fashion, that is the one year limitation period is do to the prison frequent changes in its program "outside" of 21 an a half hours locked in my cell, hinders my AVAILABLE to ACCESS to courts, being unable to attend the law library, other contacts to help.

Support facts:

The facility had and still is under changes from 2013, changes of New Administration on B yard which is the yard petitioners on, which caused NO movement what so ever. There was threats against stuff causing investigations, long periods of NO movement what so ever, "lockdown".

Also with inmates RACIAL issues and gangs issues causing alot of lockdowns, causing c/o's to cant escort inmates and keep a balance to who can all get a chance to use a small LAW library Located on another yard that makes it Very difficult for yard B inmates, and that causes who has court order first to go. (Note: it's 2000 inmates from B And A yard to share LAW library for limited time thru out A week.

Calipatria is a Level 4 prison, known for disturbance and disrupting impacts on normal operations of the institution for an extended period of time, numerous use of force options, as well as additional staff responding from all areas of the institution, were required to quell these incidents.

these are some of the dates of lockdowns, were no movement for inmates, Dec 10, 2012

Jan 11, 2013 April 11, 2013 May 13, 2013
June 15, 2013 Oct 14, 2013. These incidents makes an impact on our normal operations of institution usage, as short of staff to transport inmates to the usage of law library, and other things like counselors, and phone calls.

Note: at this very moment we are under lockdown (racial riot), and petitioner unable to use law library for case law reference to my cause not to be time barred.

"Petitioner Ask"

his petition should not be dismissed with prejudice because it is time barred - do to the disrupting impacts on normal operational usage of movement an to be escort by C/O's to Law library, phones, also counselors, this is by factual basis Petitioner ask not to be time barred
Please - Thank you

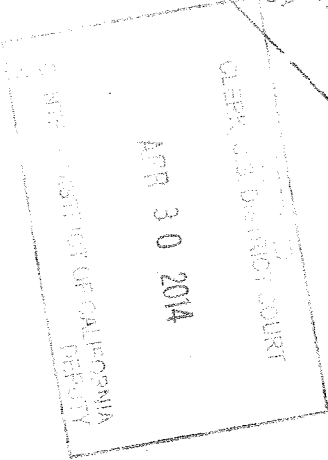
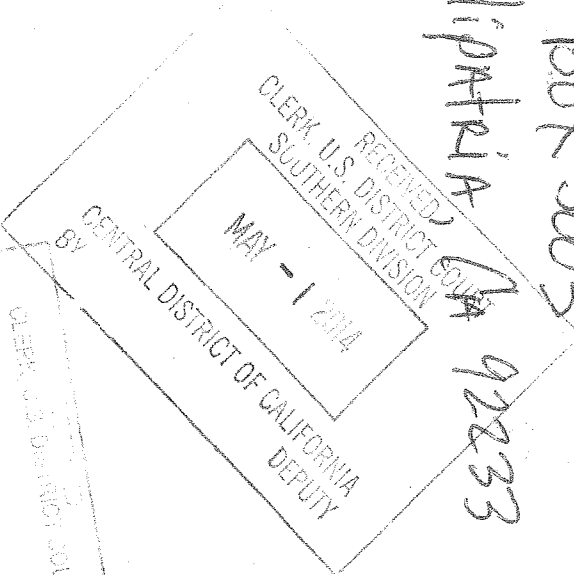
Date 4/28/2014 A. McLaughlin

Anthony

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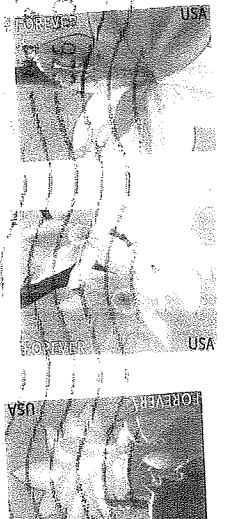
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SAN BERNARDINO
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c/o GALVAN